

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Donald DiPetrillo, Fire Chief (954)797-1210

**PREPARED BY:** Julie Downey, Assistant Chief (954) 797-1189

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** All districts

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH BROWARD COUNTY FOR THE INSTALLATION OF A SPECIAL AIR MONITORING DEVICE AT FIRE STATION 91 AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

**REPORT IN BRIEF:** The Broward County Enviromental Protection Department would like to install a special monitoring device at fire station 91. Upon completion and acceptance by the Town, the Town will grant access to the device for offical purposes. The Town is one of several municipal governments participating in this county wide program which collectively benefits all residents and visitors..

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

**RECOMMENDATION(S):** Approval of the Resolution

**Attachment(s):** Resolution, Agreement, Attorney's comments

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH BROWARD COUNTY FOR THE INSTALLATION OF A SPECIAL MONITORING DEVICE AT FIRE STATION 91 AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

WHEREAS, Broward County Environmental Protection Department, is providing a special monitoring device, to be located at fire station 91; and

WHEREAS, the Town agrees to provide access to such monitoring device upon the completion of installation; and

WHEREAS, the Town desires to authorize the execution of the Revocable License Agreement with Broward County; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie authorizes the appropriate Town Officials to execute the agreement with Broward County. A copy of the agreement is attached.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007

RECEIVED

NOV 15 2006

DAVIE FIRE RESCUE

MONROE D. KIAR  
TOWN ATTORNEY  
TOWN OF DAVIE  
6191 SW 45th Street, Suite 6151A  
Davie, Florida 33314  
Telephone (954) 584-9770

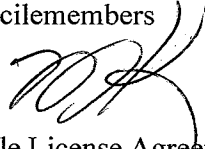
MEMORANDUM

RCVD NOV 15 '06

DATE: November 15, 2006

TO: Donald DiPetrillo, Fire Chief/EMC

CC: Ken Cohen, Acting Town Administrator  
Mayor and Councilmembers

FROM: Monroe D. Kiar 

RE: Review Revocable License Agreement with Broward County for the purpose of  
conducting special monitoring project at Fire Station 91  
Control No.: 061100

This will confirm our conversation of November 14, 2006, during which I advised you that I had reviewed the Revocable License Agreement between Broward County and the Town of Davie for the purpose of conducting a special monitoring project, and felt a number of revisions were needed and recommended by this office.

As discussed, it is suggested that Article 18 be amended to provide that a copy of any notices be sent also to yourself as Fire Chief/EMC, in addition to merely the Davie Town Hall as currently reflected in the Agreement.

It is suggested that Article 19 also be amended to reflect that Licensee is also an independent contractor under this Revocable License Agreement, and that services provided by licensee shall be subject to the supervision of licensee and such services shall not be provided by licensee or its agents as officers, employees or agents of the Town.

As discussed, Article 21, on page 6, appears to be somewhat convoluted in its language. It is suggested that the last sentence be rewritten to read "for a breach or violation of this provision, Board and Town shall have the right to terminate this Revocable License Agreement without liability at its discretion." The balance of that last sentence should be removed, as you have advised me there is no Revocable License Agreement price. As we discussed, this appears to have been some boiler plate language erroneously inserted by the person drafting this Agreement.

With the afore said changes the Agreement would be appear to be in proper legal form for consideration by the Town Council.



**TOWN OF DAVIE  
INTEROFFICE MEMORANDUM  
FIRE RESCUE DEPARTMENT**

<b>DATE:</b>	2/11/2007			<b>REF#:</b>	
<b>TO:</b>	MAYOR AND COUNCIL MEMBERS				
<b>FROM:</b>	JULIE DOWNEY, ASSISTANT CHIEF				
<b>THROUGH:</b>	DONALD DiPETRILLO, FIRE CHIEF				
<b>SUBJECT:</b>	Agreement with Broward County				
<b>Attachment:</b>		YES	<input checked="" type="checkbox"/>	NO	

---

The air monitoring project agreement between Broward County and the Town of Davie Fire Rescue to install a special air monitoring device is a Domestic Security Document: pursuant to sections 381.95 and 395.1056 Florida Statutes, this document is confidential and exempt from disclosure as a public record under Chapter 119 Florida State Statutes. See section XI. This agreement will be discussed with Chief DiPetrillo and the Mayor and Councilmembers.

**THIS PAGE INTENTIONALLY LEFT BLANK**